



JOINT ANTELOPE VALLEY AUTHORITY

**Board Meeting
January 13, 2005**

Meeting Began at: 10:33 a.m.
Meeting Ended at: 11:14 a.m.

Members Present: Glenn Johnson, Christine Jackson, Allan Abbott

Others Present: Amy Cornelius-Jones, Roger Figard, Joel Pedersen, Margaret Remmenga, Wayne Teten, Wynn Hjermstad, Duane Eitel, Paul Zillig, Clark DeVries, Jane Jordan, Ted Weidner, Mike Morosin, Harlon Layton, Beth Thacker

Order No. 01-05 - Call Meeting to Order

Glenn Johnson called the JAVA Board meeting to order at 10:33 a.m.

Order No. 02-05 - Minutes of Previous Meeting

Jackson moved to approve the minutes of the December 9, 2004 Board meeting. Abbott seconded.

AYE: Johnson, Jackson, Abbott

NAY

Order No. 03-05 - Resolution to amend the Interlocal Agreement to provide indemnification for property to be acquired from UNL (Formerly Textron) and to provide for payment by UNL for work related to the stadium expansion that is to be performed by JAVA.

Joel Pedersen asked for a deferment due to this item being incorrectly listed on the agenda. The amendment should be to the Administrative Resolution not the Interlocal Agreement. Formal action will be requested at the next JAVA Board meeting. This involves acquisition of a parcel that is for the Phase II waterway components. It is being suggested that this parcel be handled in the same way other acquisitions have been when properties are being transferred to JAVA. Additionally, there are blanks, such as the legal description, yet to be filled in for this document. This property was not originally owned by the University when JAVA first started. So we are having to fit this in to the process as required by the Corps of Engineers.

Order No. 04-05 - Amendment to the Project Cooperation Agreement with the Corps of Engineers.

Glenn Johnson explained the agreement. This agreement is signed between the Corps of Engineers, the Natural Resource District and JAVA. It is the obligating document for the Flood Control project. This amendment goes to the three issues that we requested the Corps to allow the non federal partners to construct as part of the project rather than the Corps to construct them. These would be Burlington Northern Sante Fe railroad bridge, the joint shared retaining walls between the roadway and the channel, and do demolition on the acquired properties. Normally this is done by the Corps as a part of their costs. Instead, it will be done by the project's non-federal sponsors and will be eligible for reimbursement as part of their cost share with the Corps. The 215 was approved by both the Corps and Congressional Committees and now this amends it to the Project Cooperation Agreement.

Pedersen is seeking approval by the JAVA Board acknowledging that this does pertain to JAVA's waterway responsibilities. It is through the NRD and the Corps that this is technically happening. However, it is JAVA's responsibility in the coordination of functions to integrate project components. It is appropriate for JAVA to approve this amendment. Pedersen clarified that there is a question because of the timing and contract coordination issues that we may want to remove one element or add a provision relating to certain expenditures have

happened prior to approval are eligible for reimbursement which may cause administrative delays in getting the amendment approved. Pedersen suggests that there be a motion for approval with the condition that there may need to be an adjustment to the language to accommodate the timing concern. It may also have a small fiscal impact, but would be offset due to the timing concerns. The motion would also authorize the chairperson to waive eligibility for those previously incurred expenses that is warranted by the timing.

Abbott moved to approve the amendment to the Project Cooperation Agreement with the Corps of Engineers and authorizing the chairperson to waive eligibility for previously incurred expenses warranted by the timing. Jackson seconded.

AYE: Johnson, Jackson, Abbott
NAY

Abbott clarified that only a minor portion of the cost is being covered by the 215 Agreement would not be eligible for reimbursement. The rest of the costs would be eligible. Johnson added that we are not waiving any appeal procedures that may arise in the future for those previous expenditures.

Order No. 05-05 - Staff Reports

Wynn Hjermstad updated the Board on the status of "The Triplets", the three houses between 'O' and 'P' on 22nd Street. There was an article in the Journal Star on Saturday. These houses were identified in the Environment Impact Statement as being ones that we would try to make every effort to move and bring them up to code. A study has been done by the architectural firm of BVH. The article stated that the houses were found to be structurally uninhabitable at this time. They need a tremendous amount of work. We are working with Neighborhoods Inc. and contractors to get estimates on the costs of moving and the costs of bringing them up to code. Since the article, a number of calls have been received either showing an interest in buying or indicating potential lots that are available for all three houses in the same location. Given the interest, it has been decided to open one of the houses up for viewing to the public. On January 20, 2005 at 1:00 p.m., people will be allowed to go into the safe parts of the houses for viewing. A contractor will be present to answer questions if any arise.

There is an amendment to the Redevelopment Plan going before the Planning Commission at the end of this month. It is for an East Downtown project that involves one of the concepts that were identified in the plan.

Wayne Teten updated the Board on the status of various projects. Construction activity is limited due to the holidays and the weather.

Big T - Progress is being made with utility work and driving piling for the overpass. There is some work that will cause 16th Street to close between Holdrege and 'Y' Streets from January 19, 2005 for approximately two weeks. Press Releases on this closure is forthcoming. 17th Street will be open. A Constructability Workshop was held on January 12 on the East leg of the Big T. The Railroad is moving materials in and hopes to start on the bridge within next couple of weeks. This makes it important to get the amendment to the Cooperation Agreement signed prior to the work beginning.

Margaret Remmenga reviewed the JAVA budget (handout attached). Copies of the JAVA budget sheets will be available on the website as well. The first sheet is an update on the JAVA budget. The second sheet is the accounting document for all Antelope Valley projects. One item of interest on this sheet will be the Big T project which shows a negative balance. This is because the Big T is a multi-year project and once City Council approves the appropriations for the next fiscal year, those numbers will be added to this document. The Military Road and Bridge project also shows a negative balance. There are Antelope Valley Bond Issue dollars funded by the cigarette tax that are available to cover these costs. The Y Street Bridge and Road project shows a negative balance as well. This will be covered by new federal funds that are coming in. The last sheet is an accounting of the Bond Issue dollars that are funded by the cigarette taxes that the City receives. In response, Allan Abbott reiterated that the funds are available for the negative balances and that Council has approved the multi-year budgeting

for the Big T project. JAVA does not owe anyone \$12 million it is just that the work has yet to be done. The process is being followed and the dollars will be there.

Roger Figard stated that one of the components of the Drainage Project is the re-building of the railroad bridges over Antelope Creek. Various conversations between JAVA, the City and the University had requested that the Railroad consider that they receive some betterment for having the new bridge constructed. An independent engineering study was done by a firm and accepted by the Railroad. The betterment value came out to be approximately \$154,000. Roger has received a verbal acceptance of that amount from the Railroad. Roger will work with the Railroad to determine how the money will be received and keep the Board apprized.

Joel Pedersen recognized Abbott for his service on the JAVA Board. Pedersen illustrated through example, his appreciation and that of others for all the work Abbott has done with Antelope Valley and the JAVA Board. Abbott will be retiring from city service on January 26, 2005.

In addition, Pedersen updated the Board on the acquisition process. A party to a lawsuit with the City of Lincoln was present in the audience. It was pointed out that Pedersen and the Board members may have limited ability to discuss topics that are under the jurisdiction of another body during this meeting. There are other non-biased entities, such as the Board of Appraisers and the County Judges that are qualified to address many of the possible concerns that may not be apparent at this meeting.

Mike Morosin addressed the topic of the Triplets previously discussed by Hjermstad. If the houses are not going to make use of potential parcels identified in the City, then Morosin has requested that those locations be made available to others seeking relocation.

Order No. 06-05 - Citizen's Committee Reports

There were no reports given.

Order No. 07-05 - Non-Agenda Items

Mike Morosin has filed an appeal regarding his property and read into the record the document that he filed with the courts (attached). Morosin attempted to give to the JAVA Board, the County Court check for the condemnation award on his property. The Board did not wish to take responsibility for the check made out to Morosin. Pedersen indicated that as a courtesy, we could notify the Sheriff's office that the check had been left here unattended but that it was not the Board's responsibility to handle it. Morosin agreed to return the check to the courts directly himself. Johnson acknowledged Morosin's appeal.

The next JAVA Board meeting is scheduled for February 10, 2005 at 10:30a.m. in the City Council Chambers.

Meeting adjourned at 11:14 a.m.